

1970

c 371 Provincial Parks Act

Ontario

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CHAPTER 371

The Provincial Parks Act**1. In this Act,**

Interpretation

- (a) "Minister" means the Minister of Lands and Forests;
- (b) "provincial park" includes provincial camp grounds, provincial picnic grounds, and provincial camp and picnic grounds;
- (c) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
- (d) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 314, s. 1.

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations. R.S.O. 1960, c. 314, s. 2.

Parks dedicated to public

3.—(1) All provincial parks in existence when this Act comes into force shall continue to be reserved, set apart and known as provincial parks.

Existing parks continued

(2) The Lieutenant Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park and may delimit any provincial park.

New parks and additions, etc.

(3) Land may be acquired under *The Public Works Act* for the purposes of this Act. R.S.O. 1960, c. 314, s. 3 (1-3).

Acquisition of land
R.S.O. 1970, c. 393

(4) Notwithstanding *The Municipal Act*, every unopened road allowance that is within a provincial park and that has not been closed and conveyed shall be deemed to have been vested in the Crown from the day on which the provincial park was established or the area in which the unopened road allowance is located was added to a provincial park, as the case may be, and the Minister may close to travel any such road allowance one month after having caused notice of the proposed closing to be published once a week for four consecutive weeks in a newspaper having general circulation in the locality in which the road allowance is located or one month after having caused such a notice to be posted in a conspicuous place at or near the road allowance. 1966, c. 122, s. 1.

Unopened road allowances vested in Crown
R.S.O. 1970, c. 284

Municipal
purposes

(5) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Judicial
purposes

(6) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1960, c. 314, s. 3 (5, 6).

Hunting in
designated
provincial
parks
R.S.O. 1970,
c. 186

4. The Lieutenant Governor in Council may designate any provincial park or any part of a provincial park as an area in which section 26 of *The Game and Fish Act* does not apply from and including the Tuesday following the second Monday in October to and including the 31st day of March next following. 1960-61, c. 79, s. 1, *part, amended*.

Classifica-
tion of
provincial
parks

5. The Lieutenant Governor in Council may classify any provincial park as a natural environmental park, a nature reserve park, a primitive park, a recreational park, a wild river park or such other class of park as he may designate. 1968, c. 104, s. 1.

Advisory
committees

6. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks and fix the terms of reference and procedures of such committees. 1970, c. 17, s. 1.

Adminis-
tration

7.—(1) Each provincial park is under the control and management of the Minister and shall be under the charge of a district forester or a superintendent designated by the Minister. R.S.O. 1960, c. 314, s. 4 (1).

Zoning in
provincial
parks

(2) Without limiting the generality of subsection 1, in the management of a provincial park the Minister may from time to time define areas on maps or plans, designate such areas as zones, and classify any zone as an historic zone, multiple use zone, natural zone, primitive zone, recreational zone or otherwise as he considers proper. 1968, c. 104, s. 2.

Idem

(3) Without limiting the generality of subsection 1, the district forester or the superintendent, with the approval of the Minister, may, in respect of the provincial park under his charge,

- (a) construct and operate on public lands golf courses, bowling greens or other facilities for sports or amusement;
- (b) construct and operate on public lands restaurants, refreshment booths, shops, sleeping accommodations and other facilities for the convenience of the public;

- (c) construct and operate on public lands toilet, dressing-room, picnic, camping, cooking, bathing, parking and other facilities for the convenience of the public;
- (d) acquire and operate boats, vehicles and other means of transportation in connection with the park;
- (e) make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (f) prescribe, by the erection, posting or other display of notices, the time or times of the day or year during which the park or any part thereof is open or closed, as the case may be, for the use of the public. R.S.O. 1960, c. 314, s. 4 (2).

8.—(1) The Minister and any municipality, with the approval of the Ontario Parks Integration Board, may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature.

Access
roads to
provincial
parks, in
municipalities

(2) A road constructed, reconstructed or maintained under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality.

Idem

(3) The Minister, with the approval of the Ontario Parks Integration Board, may arrange with the road commissioners elected under *The Statute Labour Act* or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 314, s. 5.

Idem, in
unorganized
territory
R.S.O. 1970,
c. 445

9.—(1) The Minister may receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein, for the purposes of a provincial park.

Gifts

(2) Where only the surface rights in lands are received and taken by the Minister under subsection 1 and the mines and minerals are not vested in the Crown, subsection 1 of section 17 does not apply to such lands. R.S.O. 1960, c. 314, s. 6.

Surface
rights

10.—(1) The Minister may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in a provincial park.

Inquiry into
leases, etc.

Cancellation
of leases

(2) If the Minister is satisfied that any person claiming to be entitled to any rights in respect of public lands in a provincial park, or any person claiming under or through him, has been guilty of a fraud or imposition, or has contravened any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the lease or other agreement had never been made, and upon such cancellation all moneys paid in respect of such lease or other agreement remain the property of the Crown and the improvements, if any, on the land are forfeited to the Crown.

Power to
acquire
possession
R.S.O. 1970,
c. 380

(3) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 27 of *The Public Lands Act*. R.S.O. 1960, c. 314, s. 7.

Use and
occupation
of public
lands

11. Except as provided by this Act or the regulations, no person shall use or occupy any public lands in a provincial park. R.S.O. 1960, c. 314, s. 8.

Police
powers

12. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1960, c. 314, s. 9; 1961-62, c. 112, s. 1.

Seizure
and confiscation

13. Any person having the power and authority of a member of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other article used in contravention of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon conviction therefor the provincial judge may order the chattel so confiscated to be forfeited to the Crown in right of Ontario, and after the expiration of thirty days it may be disposed of in such manner as the Minister considers proper. R.S.O. 1960, c. 314, s. 10, *amended*.

Lost, mis-
laid or
abandoned
property

14.—(1) Any lost, mislaid or abandoned property coming into the custody of the district forester, superintendent or other person in charge of a provincial park and not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed.

Idem

(2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that he was the owner of property sold under subsection 1, the Minister may direct the payment to such person of an amount equal to the price received

for the property less the cost of the sale and other expenses incurred in connection with the property. 1960-61, c. 79, s. 1, *part.*

15.—(1) The district forester or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Department of Highways, or any portage in the provincial park. R.S.O. 1960, c. 314, s. 11; 1962-63, c. 110, s. 1.

Roads,
trails and
portages

(2) No person who has knowledge of the closing of a road or trail under subsection 1 shall travel thereon. 1960-61, c. 79, s. 2.

Prohibition
against
travel on
closed road

16. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* in a provincial park. R.S.O. 1960, c. 314, s. 12.

Sale of
liquor
R.S.O. 1970,
c. 249

17. Subject to *The Game and Fish Act* and the regulations thereunder, the Minister may take such measures as he considers proper for the protection of fish, animals and birds and any property of the Crown in a provincial park. R.S.O. 1960, c. 314, s. 13.

Conservation
of wild life,
etc.
R.S.O. 1970,
c. 186

18.—(1) Subject to the regulations, prospecting and the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited.

Prospecting,
mining, etc.

(2) A licence of occupation may be issued under the regulations to the recorded holder of a lawfully staked mining claim in a provincial park.

Licences of
occupation

(3) The staker or recorded holder of a mining claim or the holder of a licence of occupation issued to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land.

No title
acquired in
surface
rights

(4) Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district forester or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he considers necessary. R.S.O. 1960, c. 314, s. 14.

Necessary
use of
surface
rights

19.—(1) The Lieutenant Governor in Council may make regulations,

(a) for the care, preservation, improvement, control and management of the provincial parks;

(b) regulating and controlling prospecting or the staking

out of mining claims or the development of mineral interest or the working of mines in provincial parks;

- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in provincial parks;
- (k) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertaking in provincial parks;
- (n) regulating, controlling and licensing and requiring the use of guides in provincial parks;
- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in provincial parks;

- (q) providing for the imposition and collection of fees for entrance into provincial parks of persons, vehicles, boats or aircraft;
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 314, s. 15 (1); 1968, c. 104, s. 3 (1).

(2) Any regulation under subsection 1 may be made applicable to all provincial parks or to any provincial park or to any class of provincial park or to any part or zone of a provincial park. 1968, c. 104, s. 3 (2). Application

20.—(1) Every person who contravenes any of the provisions of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Offence

(2) Where any regulation is contravened, in addition to any other remedy and to any penalty, the contravention may be restrained by action at the instance of the Minister. R.S.O. 1960, c. 314, s. 16. Restraint
by action

21. Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission or The St. Lawrence Parks Commission. R.S.O. 1960, c. 314, s. 17, *amended*. Niagara and
St. Lawrence
Parks not
affected
